

**REMARKS**

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-2, 4-13, 15-23, and 25-32 will be pending. By this amendment, claims 1, 4, 5, 12, 15, 16, 19, 22, 25, 26, and 29 have been amended, and claims 3, 14, and 24 have been canceled.

As shown above, typographical errors have been corrected in two paragraphs of the Specification.

**§102 Rejection of Claims 1, 2, 7, 11, 22, 23, 28, and 32**

On page 2 of the Office Action, the Examiner has rejected claims 1, 2, 7, 11, 22, 23, 28, and 32 under 35 U.S.C. 102 (e) has been anticipated by Kutaragi et al. (U.S. Patent 6122739; hereinafter referred to as "Kutaragi"). This rejection is respectfully traversed below.

Regarding claim 1, as shown above, claim 1 has been amended and calls for:

1. (Currently Amended) A method of authenticating information, comprising the steps of
  - performing an absolute authentication process for authenticating a recording medium with information for authentication being recorded in a predetermined position therein, according to a first rule at a predetermined time; and
  - performing an arbitrary authentication process for authenticating said recording medium according to a second rule at an arbitrary time,wherein said first rule in said authentication process is that normal authentication is declared if the information for authentication is detected as being recorded in said predetermined position, and said second rule in said arbitrary authentication process is that normal authentication is declared if the information

for authentication is detected as being not recorded in arbitrary positions other than said predetermined position.

Accordingly, in one aspect of claim 1, two authentication processes are performed to authenticate a recording medium. An absolute authentication process is performed according to a first rule at a predetermined time. An arbitrary authentication process is performed according to a second rule at an arbitrary time. Therefore, two different authentication processes are performed according to two respective rules.

Considering the Examiner's rejection of claim 1 on page 2 of the Office Action as applied to amended claim 1, it does not appear that the arguments presented by the Examiner in rejecting claim 1 over Kutaragi establish how Kutaragi shows amended claim 1. On page 2 of the Office Action, it appears that the Examiner argues that Kutaragi shows an absolute authentication process at column 1, lines 32-40 and shows an arbitrary authentication process at column 2, lines 8-12. However, it does not appear that the Examiner has explained how Kutaragi shows using both of these authentication processes. As discussed above, claim 1 calls for using two authentication processes according to two respective rules. Without further explanation by the Examiner, it is submitted that the Examiner has not established how Kutaragi shows or suggests this aspect of claim 1.

Accordingly, it does not appear that the Examiner has established how Kutaragi, as referenced by the Examiner in rejecting claim 1, shows or suggests at least these aspects of amended claim 1, and so it is submitted that the Examiner has not established how Kutaragi shows or suggests amended claim 1 as a whole. Claims 2 and 4-11 depend from claim 1, and it is also submitted that the Examiner has not established how Kutaragi shows or suggests claims 2

and 4-11, through their dependence on claim 1. Similar arguments apply to claim 22, and so to claims 23 and 25-32 that depend from claim 22.

Based upon the foregoing, it is submitted that claims 1, 2, 7, 11, 22, 23, 28, and 32 are not anticipated by nor rendered obvious by the teachings of Kutaragi, as presented and referenced by the Examiner. Accordingly, is submitted that the Examiner's rejection of claims 1, 2, 7, 11, 22, 23, 28, and a 32 based upon 35 U.S.C. 102 (e) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§102 Rejection of Claims 12, 13, and 21

On page 4 of the Office Action, the Examiner has rejected claims 12, 13, and 21 under 35 U.S.C. 102 (e) as being anticipated by Timmermans et al (U.S. Patent 5737286; hereinafter referred to as "Timmermans"). This rejection is respectfully traversed below.

Regarding claim 12, as shown above, claim 12 has been amended and calls for:

12. (Currently Amended) A disk playback apparatus for playing back information on a disk-type recording medium, comprising:  
absolute authentication means for performing an absolute authentication process for authenticating a recording medium with information for authentication being recorded in a predetermined position therein, according to a first rule at a predetermined time; and  
arbitrary authentication means for performing an arbitrary authentication process for authenticating said recording medium according to a second rule at an arbitrary time,  
wherein said first rule in said absolute authentication process performed by said absolute authentication means is that normal authentication is declared if the information for authentication is detected as being recorded in said predetermined position, and said second rule in said arbitrary authentication process performed by said arbitrary authentication means is that normal authentication is declared if the information for authentication is detected as being not recorded in arbitrary positions other than said predetermined position.

Accordingly, in one aspect of claim 12, two authentication processes are performed to authenticate a recording medium. An absolute authentication process is performed according to a first rule at a predetermined time. An arbitrary authentication process is performed according to a second rule at an arbitrary time. Therefore, two different authentication processes are performed according to two respective rules.

Considering the Examiner's rejection of claim 12 on page 4 of the Office Action as applied to amended claim 12, it does not appear that the arguments presented by the Examiner in rejecting claim 12 over Timmermans establish how Timmermans shows amended claim 12. On page 4 of the Office Action, it appears that the Examiner argues that Timmermans shows all of claim 12 at column 9, lines 44-50. Column 9, lines 44-50 of Timmermans is the preamble of claim 12 of Timmermans and reads:

“12. A playback apparatus for recovering an information signal from a record carrier exhibiting first variations caused by existence and non-existence of information marks along a track thereof, which first variations represent the information signal, and second variations caused by variations associated with the track, the apparatus comprising:”

While this passage does reference first variations and second variations, it does not appear that the Examiner has explained how this passage discloses two authentication processes performed according to two respective rules as called for in amended claim 12 of the present application. Without further explanation by the Examiner, it is submitted that the Examiner has not established how Timmermans shows or suggests this aspect of claim 12.

Accordingly, it does not appear that the Examiner has established how Timmermans, as referenced by the Examiner in rejecting claim 12, shows or suggests at least these aspects of amended claim 12, and so it is submitted that the Examiner has not established how

Timmermans shows or suggests amended claim 12 as a whole. Claims 13 and 15-21 depend from claim 12, and it is also submitted that the Examiner has not established how Timmermans shows or suggests claims 13 and 15-21, through their dependence on claim 12.

Based upon the foregoing, it is submitted that claims 12, 13, and 21 are not anticipated by nor rendered obvious by the teachings of Timmermans, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 12, 13, and 21 based upon 35 U.S.C. 102 (e) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 3, 4, 5, 6, 8, 9, 24, 25, 26, 27, 29, and 30

On page 5 of the Office Action, the Examiner has rejected claims 3, 4, 5, 6, 8, 9, 24, 25, 26, 27, 29, and 30 under 35 U.S.C. 103 as being unpatentable over Kutaragi in view of Jones et al (U.S. Patent 6363163; hereinafter referred to as "Jones"). This rejection is respectfully traversed below.

As shown above, claims 3 and 26 have been canceled, thereby obviating the rejections thereof.

Were the arguments presented in rejecting claim 3 on page 6 of the Office Action applied to amended claim 1, it does not appear that these arguments would establish how the combination of Kutaragi and Jones, as referenced by the Examiner in rejecting claim 3, would show or suggest amended claim 1. In rejecting claim 3 on page 6 of the Office Action, the Examiner appears to argue that Kutaragi at column 1, lines 32-40, shows the first rule of claim 3, and that Jones in the abstract and at paragraphs 172, 173, and 177 shows the second rule of claim 3. It appears that the Examiner argues that Kutaragi and Jones each show a different

authentication process. However, it does not appear that the Examiner has explained how Kutaragi or Jones provides a motivation to add a second authentication process. The Examiner states on page 6: "It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Jones et al to the teachings of Kutaragi because checking an area of the disc where an authenticating feature should not be in leads to a more thorough and reliable authentication process." This argument appears to be an argument to support replacing the authentication process of Kutaragi with the authentication process of Jones. It does not appear that the Examiner has explained how the references provide a motivation to add a second authentication process to Jones or Kutaragi. Therefore, it is submitted that the arguments presented in rejecting claim 3 would not apply to amended claim 1. A similar argument applies to claim 24 with respect to the rejection of claim 26.

Claims of 4, 5, 6, 8, and 9 depend from claim 1. As discussed above, it is submitted that the rejection of claim 1 has been overcome. Therefore, it is respectfully submitted that the rejection of claims 4, 5, 6, 8, and 9 has also been overcome through the dependence of claims 4, 5, 6, 8, and 9 on claim 1.

Claims 25, 26, 27, 29, and 30 depend from claim 22. As discussed above, it is submitted that the rejection of claim 22 has been overcome. Therefore, it is respectfully submitted that the rejection of claims 25, 26, 27, 29, and 30 has also been overcome through the dependence of claims 25, 26, 27, 29, and 30 on claim 22.

Based upon the foregoing, it is submitted that claims 3, 4, 5, 6, 8, 9, 24, 25, 26, 27, 29, and 30 are not anticipated by nor rendered obvious by the teachings of Kutaragi and Jones, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's

rejection of claims 3, 4, 5, 6, 8, 9, 24, 25, 26, 27, 29, and 30 based upon 35 U.S.C. 103 has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 10 and 31

On page 12 of the Office Action, the Examiner has rejected claims 10 and 31 under 35 U.S.C. 103 as being unpatentable over Kutaragi in view of Timmermans. This rejection is respectfully traversed below.

Claim 10 depends from claim 1. As discussed above, it is submitted that the rejection of claim 1 has been overcome. Therefore, it is respectfully submitted that the rejection of claim 10 has also been overcome through the dependence of claim 10 on claim 1.

Claim 31 depends from claim 22. As discussed above, it is submitted that the rejection of claim 22 has been overcome. Therefore, it is respectfully submitted that the rejection of claim 31 has also been overcome through the dependence of claim 31 on claim 22.

Based upon the foregoing, it is submitted that claims 10 and 31 are not anticipated by nor rendered obvious by the teachings of Kutaragi and Timmermans, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 10 and 31 based upon 35 U.S.C. 103 has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 14, 15, 16, and 17

On page 13 of the Office Action, the Examiner has rejected claims 14, 15, 16, and 17 under 35 U.S.C. 103 as being unpatentable over Timmermans in view of Jones. This rejection is respectfully traversed below.

As shown above, claim 14 has been canceled, thereby obviating the rejection thereof

Were the arguments presented in rejecting claim 14 on page 13 of the Office Action applied to amended claim 12, it does not appear that these arguments would establish how the combination of Timmermans and Jones, as referenced by the Examiner in rejecting claim 14, would show or suggest amended claim 12. In rejecting claim 14 on page 13 of the Office Action, the Examiner appears to argue that Timmermans at column 3, lines 51-54, shows the first rule of claim 14, and that Jones at paragraphs 172 and 173 shows the second rule of claim 14. It appears that the Examiner argues that Timmermans and Jones each show a different authentication process. However, it does not appear that the Examiner has explained how Timmermans or Jones provides a motivation to add a second authentication process. The Examiner states on pages 14-15: "It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Jones et al to the teachings of Timmermans et al because checking an area of the disc where an authenticating feature should not be in leads to a more thorough and reliable authentication process." This argument appears to be an argument to support replacing the authentication process of Timmermans with the authentication process of Jones. It does not appear that the Examiner has explained how the references provide a motivation to add a second authentication process to Jones or Timmermans. Therefore, it is submitted that the arguments presented in rejecting claim 14 would not apply to amended claim 12.

Claims 15, 16, and 17 depend from claim 12. As discussed above, it is submitted that the rejection of claim 12 has been overcome. Therefore, it is respectfully submitted that the rejection of claims 15, 16, and 17 has also been overcome through the dependence of claims 15, 16, and 17 on claim 12.



Based upon the foregoing, it is submitted that claims 14, 15, 16, and 17 are not anticipated by nor rendered obvious by the teachings of Timmermans and Jones, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 14, 15, 16, and 17 based upon 35 U.S.C. 103 has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 19 and 20

On page 16 of the Office Action, the Examiner has rejected claims 19 and 20 under 35 U.S.C. 103 as being unpatentable over Timmermans in view of Jones and further in view of Kutaragi. This rejection is respectfully traversed below.

Claims 19 and 20 depend from claim 12. As discussed above, it is submitted that the rejection of claim 12 has been overcome. Therefore, it is respectfully submitted that the rejection of claims 19 and 20 has also been overcome through the dependence of claims 19 and 20 on claim 12.

Based upon the foregoing, it is submitted that claims 19 and 20 are not anticipated by nor rendered obvious by the teachings of Timmermans, Jones, and Kutaragi, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 19 and 20 based upon 35 U.S.C. 103 has been overcome by the present remarks and withdrawal thereof is respectfully requested.

CONCLUSION

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-2, 4-13, 15-23, and 25-32 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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